



April 21, 2021

VIA ELECTRONIC FILING

Jerisha Dukes, Esquire
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: Hardy King v. Dominion Energy South Carolina, Inc.
Reply to Mr. King's Response to Motion to Dismiss and Answer of
Dominion Energy South Carolina, Inc.
Docket No. 2021-111-G

Dear Ms. Dukes:

On or about April 20, 2021, Mr. Hardy King filed a response ("Response") to the Motion to Dismiss and Answer of Dominion Energy South Carolina, Inc. ("DESC" or "Company") in the above-referenced docket. By this letter, DESC hereby replies to certain arguments raised in the Response.

I. Applicability of Commission Regulation 103-440(1).

In his Response, Mr. King claims that DESC "should have only been allowed to charge [him] for 6 months, not 12, based on his interpretation of Commission Regulation 103-440. Specifically, and for the first time, Mr. King points to 103-440(1), which applies only in cases of fast or slow meters. Mr. King's reliance on this section is misplaced. As his wife's bills for natural gas service (which were attached as Exhibit A to the Company's Motion to Dismiss and Answer) demonstrate, Mr. King's meter was not registering fast or slow—it was not registering any usage at all for a 12-month period. Because this was not a case of a fast or slow meter, Regulation 103-440(1) is inapplicable.¹ The applicable regulation is Commission Regulation

¹ That regulation also requires that the customer request that the meter be tested. Commission Regulation 103-440(1)(a) (providing "such meter shall be tested upon request of the customer" (emphasis added)). Mr. King never requested as such and does not allege either in his Complaint or in his Response that he requested a meter test. In fact, Mr. King now asserts in his Response that he "never knew the meter was faulty until [DESC] knocked on the door and told me they were going to replace it"; if true, he would have had no reason to request such a test. Regardless, a meter test was unnecessary because the meter was not registering any usage for a 12-month period.

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103-440(6), and Mr. King is responsible for 12 months of undercharges based on the estimated usage. Mr. King is not entitled to free natural gas service.

II. Mr. King's Ability to Pay in Installments

In his Response, Mr. King asserts, based on Commission Regulation 103-440(6)(c), that DESC "should have allowed [him] to make 12 monthly payments to pay the deficiency instead of them taking the payment out of [his] surplus." However, Ms. King was offered the opportunity to pay the deficient amount in installments, but chose not to do so. Specifically, in its May 27, 2020 letter (which was attached as Exhibit B to the Company's Motion to Dismiss and Answer), DESC offered Ms. King the opportunity to pay the estimated undercharged amount in installments: "At your request, this estimated amount can be billed in equal increments over a 6 month period to assist in your payment." DESC acknowledges that the May 27 letter inadvertently referenced a "6 month period" over which Ms. King could elect to pay in the undercharged amount in installments; the letter should have provided a "12 month period" for Ms. King to pay the \$112.86 in undercharges. However, the fact remains that DESC offered Ms. King the ability to pay in installments and she chose not to do so. Mr. King cannot now choose to pay in installments almost 11 months after the fact.

Moreover, Commission Regulation 103-440(6)(c) does not change the fact that Mr. King is responsible for all 12 months of undercharges, which is the central issue in his Complaint.

III. Mr. King's Statement to Ms. Hux Concerning His Knowledge that the Meter was not Functioning Properly

In his Response, Mr. King states that "Ms. Hux did not aver" that Mr. King stated that he knew that his natural gas meter was not functioning properly but that he did not notify DESC because it was the utility's responsibility to identify the problem and correct it. To be clear, Ms. Hux verification states plainly that she "ha[s] read the Motion to Dismiss and Answer and verif[ies] that the information contained therein is true and accurate to best of my knowledge, information and belief." In other words, Ms. Hux stands by the allegation that Mr. King did in fact make the alleged statement to her. Nevertheless, this factual dispute is irrelevant to the Company's Motion to Dismiss because DESC has not asserted that Commission Regulation 103-440(4)(a) is applicable here.

IV. The Alleged Possibility of \$100 Credit

Finally, in his Response, Mr. King "stick[s] by [his] previous statement . . . the one lady I spoke to was going to try and get a credit in the amount of \$100." Although

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DESC denies this allegation, whether such an offer was made is irrelevant to the Company's Motion to Dismiss. Even if true, Mr. King has only alleged that the lady "was going to try" to get a \$100 credit. An attempt by the representative to get a \$100 credit would have been futile because the law requires that the Company collect a full twelve months of undercharges. See Commission Regulation 103-440(6).

Conclusion

In short, both Mr. King and the Company continue to agree on the relevant facts: the natural gas meter at 501 Doncaster Drive "went bad" and was "replaced," and the Company assessed Ms. King's account \$112.86 in undercharges based on an estimated usage over a twelve-month period. Where, as here, a customer has been undercharged as a result of a human or machine error, Commission Regulation 103-440(6) specifically provides that DESC ***shall*** recover the deficient amount for a twelve-month period based on an appropriate estimated usage. That is what DESC did. Mr. King's Complaint should be dismissed.

By copy of this letter, we are serving this reply upon Mr. King as well as counsel for the ORS and enclose a certificate of service to that effect.

If you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,



Matthew W. Gissendanner

MWG/kms

Enclosure

cc: Mr. Hardy King
Andrew M. Bateman, Esquire
Lessie C. Hammonds, Esquire
(all via electronic mail and U.S. First Class Mail w/ enclosure)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-111-G

IN RE:

Hardy King,)
)
Complainant/Petitioner,)
)
v.)
)
Dominion Energy South Carolina, Inc.,)
)
Defendant/Respondent.)
_____)

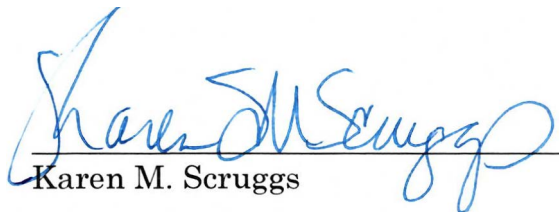
**CERTIFICATE OF
SERVICE**

This is to certify that I have caused to be served this day copies of **Dominion Energy South Carolina, Inc.’s Reply to Mr. King’s Response to Motion to Dismiss and Answer** to the persons named below at the addresses set forth via U.S. First Class Mail and electronic mail:

Mr. Hardy King
501 Doncaster Drive
Irmo, SC 29063
hardyking@hardyking.com

Andrew M. Bateman, Esquire
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
abateman@ors.sc.gov

Lessie C. Hammonds, Esquire
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
hammonds@ors.sc.gov



Karen M. Scruggs

Columbia, South Carolina

This 21st day of April, 2021